GOVERNMENT OF KARNATAKA

Social Welfare and Labour Department

Labour Dispute.—Industrial Dispute between the workmen and the management of Coffee Lands Limited, Sakleshpur Post, Hassan District.

Award of the Presiding Officer, Labour Court, Mangalore, published.

Read the following papers:—

(1) Letter No. A/ID-21/74-75, dated 24th January 1975, from Shri H. S. Venkatasubbaiah, Presiding Officer, Labour Court, Mangalore.

BEFORE THE LABOUR COURT AT MANGALORE

Dated 24th January, 1975

Reference (ID) (LCM) No. 21 of 1973

Present:

SRI H. S. VENKATASUBBAIAH, B.A., LL.B.,

Presiding Officer.

Between.—

The Workmen, represented by the Secretary, Estates Staffs Union of South India, Chikmagalur. *I Party*

and

The Management of Coffee Lands Limited, Sakalespur Post, Hassan District. *II Party*

AWARD

The Government of Karnataka, being of the opinion that an industrial dispute exists between the workmen and the management of Coffee Lands Limited, Saklespur Post, Hassan District, have referred the said dispute for adjudication to this Court under Section 10(1) (c) of the Industrial Disputes Act, 1947, by their Order No. FCL 1566 LLD 72, dated 16th March 1973. The Points of dispute referred for adjudication are as follows:

A. (1) Whether the management of Coffee Lands Limited at Saklespur Post, are justified in denying fitting up with effect from 1st January 1970 or any other date, staff member Sri B. A. Kariappa of Gubgal Estate at Javali Post, in the Senior Grade 'B' on Rs. 200—10—270—12—330 as per Clause 3 read with clause 10 of the Industry wide Agreement on staff wages dated 4th May 1970?

(2) If not, to what relief is the workman entitled?

B. (1) Whether the management of Coffee Lands Limited, at Saklespur Post, are justified in denying fitting up Sri S. C. Lewis of Ubban Estate at Saklespur Post in Senior Grade 'A' on Rs. 140—7—154—8—250—EB—9—277, with effect from 1st October 1971, in virtue of the additional responsibilities entrusted to him, from the said date;

(2) If not, to what other relief he is entitled?

C. (1) Are the management of Coffee Lands Ltd., Saklespur Post, justified in denying to the workmen (New Entrants of Gubgal Estate at Javali Post and Ubban Estate at Saklespur post, the customary "Monsoon Allowance" given to some other workmen (old entranth) working in the same estates?

(2) If not, to what relief are the workmen entitled ?

2. After the receipt of the reference, notices were issued to both the parties to file their respective statements. The first party filed its claim statement through post on 30th April 1973. The second party filed its counter statement on 14th May 1973 through post.

The claim of the first party in short is that Sri B. A. Kariappa is working in the second party company for the past 24 years. He is the senior most staff. He reached his basic salary of Rs. 234 per month in the year 1972 in Senior Grade 'A' of Large Estates. As per clause 10(c) (i) of the Staff Salary Agreement dated 4th May 1970 he is eligible to proceed to Senior Grade 'B' on crossing a basic pay of Rs. 234 in Senior Grade 'A' but the management refused to promote him to Senior Grade 'B' as per the agreement. Hence it was prayed that an award be passed directing the second party to promote Sri B. A. Kariappa in senior grade 'B'. As regards Sri S. C. Lewis it is contended that he is working in the Office and is doing responsible work there. He is also regularly assisted by Juniors in his work. He is a group office clerk and is a person with considerable length of service. As per Staff Salary Agreement dated 4th May 1970 he has to be placed in Senior Grade 'A' of Large Estates. Inspite of the fact that he is a senior most man in the group Office and working as Head of the said department, the second party has refused to extend him the senior grade 'A'. Hence it was prayed that the second party be directed to promote him in Senior Grade 'A' of Large Estates. As regards the "Monsoon Allowance" it is stated that the Company is paying the said allowance to all its employees except to the new entrants. This is an invidious discrimination. Hence the new entrants are also entitled to the said allowance.

The second party in its counter statement denied the averments made by the first party in its claim statement at paras 1 to 5 except those that are specifically admitted therein. It is admitted that Sri B. A. Kariappa is working as a staff but it is denied that he is eligible to proceed to Senior Grade 'B' on crossing his pay of Rs. 234 in the senior grade 'A' as the relevant clause in the agreement applies to companies and proprietors owning estates situate in more than one State. It is denied that Sri S. C. Lewis is working in the office doing responsible work. It is also denied that he is regularly assisted by Juniors in his work. It is also denied that he is the Group office clerk. He is doing ordinary day-to-day routine office work under the specific direction, control and supervision of the Manager of the estate in which he works. The clause 10(2) (a) referred to in the claim statement will not apply in the case of S. C. Lewis. As regards the Monsoon allowance it is stated that the service conditions of new entrants does not contemplate them to claim the said allowance. Lastly it was prayed that the claim of the first party be rejected.

3. In view of the above pleadings, necessary additional issues were framed by my predecessor-in-office on 24th May 1973 and the case was posted for evidence. An additional counter statement of the second party supported by an Affidavit was also received through post on 13th June 1973. After some time, a memo was received in the office through post from the 1st party on 29th July 1974 stating that the dispute pertaining to Sri S. C. Lewis has been settled amicably and hence the same be treated as closed. Another memo was also received through post on 13th January 1975 from the 1st party stating that the matter has been settled amicably and further proceedings in the above dispute is not pressed. On 21st January 1975 when the case was taken up, both the representatives for the parties appeared before court and submitted that the claim is settled out of court. Sri Pinto, representative for the 1st party submitted that he does not press the

reference. In view of the above, there remains nothing more to be done in the matter but to pass an award rejecting the reference.

4. In the result, I pass an award rejecting the reference as not pressed. The memos filed by the first party shall form part of the award as annexures I and II. Parties to bear their own costs.

Sd./-
(H. S. Venkatasubbaiah),
Presiding Offiier,
Labour Court, Mangalore.

Mangalore,
Dated 24th January 1975.

ANNEXURE—I

BEFORE THE HONOURABLE LABOUR COURT, MANGALORE.

Reference No. 21 of 1973

I Party

Shri. S. C. Lewis, Staff Member of Coffee Lands Ltd., Saklespur Post, represented by the Secretary for Mysore, Estates Staffs Union of South India, Vijayapura, Chickamagalur.

and

II Party

The Management, Coffee Lands Ltd., Saklespur P.O., Hassan District.

May it please your Honour,

The I Party Union begs to submit that Sri S. C. Lewis Staff Member, Coffee Lands Ltd., Saklespur P.O. Hassan

District has amicably settled his dispute with the II Party Management, Sri S. C. Lewis, the I Party workman requested the Union to withdraw his dispute from the Honourable Court now pending before the Honourable Court in Reference No. 21 of 1974. In view of the amicable settlement of the dispute concerning Sri S. C. Lewis, the I Party Union prays that the Honourable Court may be pleased to treat the dispute of Shri S. C. Lewis as closed and pass an award accordingly.

A copy of this has been sent to-day to the II Party Management and workman Sri S. C. Lewis.

Dated this the 23rd day of July 1974 at Chikmagalur.

For the I Party.

Sd./- P. H. Pinto,
Secretary for Mysore ESUSI,
Chikmagalur.

Note and file.

Sd./- H. S. Venkatasubbaiah,
Presiding Officer,
Labour Court, Mangalore.

ANNEXURE—II

BEFORE THE HONOURABLE LABOUR COURT, MANGALORE.

Reference (ID) (LCM) No. 21 of 1973

I Party

Staff Members of Coffee Lands Ltd., Saklespur P.O., Hassan District, represented by the Estates Staffs Union of South India, ESUSI HOUSE, Vijayapur Chikmagalur.

Vs.

II Party

The Management of Coffee Lands Ltd., Saklespur P.O., Hassan District.

May it please your Honour,

The I Party Union begs to submit that the above matter has been settled amicably and as such it does not press further proceedings in the matter.

A copy of this has been sent to-day to the II party Management.

Dated this the 4th day of January 1975 at Chikmagalur.

For the I Party
Sd./- P. H. Pinto,
Secretary for Mysore ESUSI,
Chikmagalur.

'Note and file'
Sd./- H. S. Venkatasubbaiah,
Presiding Officer,
Labour Court, Mangalore.
21-1-1975.

"True Copy"
(H. S. Venkatasubbaiah),
Presiding Officer,
Labour Court Mangalore.

ORDER No. SWL 38 LLA 75,

Bangalore, dated the 22nd February 1975

S. O. 977.—

Whereas by State Government Order No FCL 1566 LLD 72, dated 16th March 1973 the Industrial Dispute between the workmen and the management of Coffee Lands Limited, Sakleshpur Post, Hassan District, was referred to the Labour Court, Mangalore, for adjudication.

And, whereas the Labour Court, Mangalore, has submitted to the State Government its award in respect of the said Industrial Dispute.

Now, therefore, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnataka are pleased to direct the publication of the said award as above, in the *Karnataka Gazette.*

By Order and in the name of the Governor of Karnataka,

K. MYLARAPPA,

Under Secy. to Govt., S.W. and L. Department.